



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	John Colucci, et al.		Art Unit:
Serial No.:	10/542,684	Case MC065YP	1626
Filed:	July 19, 2005		Examiner:
For:	IRREVERSIBLE CASPASE-3 INHIBITORS AS ACTIVE SITE PROBES		Nolan, Jason M

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION

[37 CFR 1.321]

I, William Krovatin, residing at Glen Ridge, New Jersey am a representative of the assignee identified below, empowered to act on its behalf, pursuant to attached Corporate Resolution No. 5, dated April 24, 2007.

The assignee, MERCK FROSST CANADA LTD., certifies that it is the assignee of the entire right, title and interest in the above-identified patent application by virtue of an Assignment from the inventors in the aforesaid patent application to MERCK FROSST CANADA & CO., which was recorded in the United States Patent & Trademark Office on Reel/Frame 017245/0790 on February 28, 2006, and an Assignment from MERCK FROSST CANADA & CO. to MERCK FROSST CANADA LTD., which was recorded in the United States Patent & Trademark Office on Reel/Frame 019884/0397 on September 26, 2007.

The aforesaid establishes the ownership in the assignee of the above-identified application pursuant to 37 CFR 3.73(b).

The undersigned has reviewed all of the documentary documents in the chain of title of the above-identified patent application, and the undersigned certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee named above.


10/09/2007 MGE BREM1 00000021 132755 10542684
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I hereby disclaim the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,525,025, or as presently shortened by any terminal disclaimer, and hereby agree that any patent so granted on the above-identified application shall be enforceable on, for and during such periods that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,525,025, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 6,525,025, or as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is requested to charge Account No. 13-2755 the sum of \$130.00 and any fee deficiency required by this paper. A duplicate of this disclaimer is attached.

I hereby declare that all statement made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.



Disclaimant William Krovatin
Managing Counsel

In Duplicate
Attachs.

Date: October 5, 2007

MERCK & CO., Inc.
Patent Dept., RY60-30
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-0221

General Corporate Resolution #



PATENT MATTERS

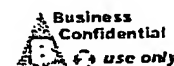
RESOLVED, that any of the following:

Richard T. Clark-Chairman, Chief Executive Officer and President
Kenneth C. Frazier-Executive Vice President and General Counsel
Joseph F. DiPrima-Vice President and Assistant General Counsel
Paul D. Matukaitis-Vice President and Assistant General Counsel
Edward W. Murray-Managing Counsel, IP Litigation
Gerard Devlin-Counsel, IP Litigation
Valerie J. Camara-Managing Counsel, Patents
Mark R. Daniel-Managing Counsel, Patents
Catherine D. Fitch-Managing Counsel, Patents
Sheldon O. Heber-Managing Counsel, Patents
William Krovatin-Managing Counsel, Patents
David A. Muthard-Managing Counsel, Patents
Anthony Rollins-Managing Counsel, European Patents
Edward M. Yoshida-Managing Counsel, Rosetta Inpharmatics
Charles M. Caruso-Counsel, International
Peter Haeberli-Assistant Counsel, Sima Therapeutics, Inc.
John Oksinski-Executive Director, Banyu
Kenichi Osawa-Senior Director, Banyu Patent and Trademark Group
Donna L. Margiotto-Senior Manager, Patent Administration

are authorized to execute and to revoke on behalf of Merck & Co., Inc. and its affiliates (including subsidiaries) the following documents relating to patent matters:

Powers of attorney as fully in law as may be necessary and proper in connection with the acquisition, registration, maintenance and enforcement of patents and applications for patents, including powers of attorney relating to the prosecution or defense of patent rights before courts of law or other governmental tribunals, agencies or departments; affidavits and declarations; and any other documents which are necessary and proper for the acquisition, registration, maintenance, litigation and protection of patents.

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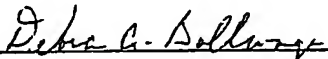


MERCK & CO. INC.

CERTIFICATION

I, Debra A. Bollwage, Senior Assistant Secretary of Merck & Co., Inc. (the "Company"), a corporation duly organized and existing under the laws of the State of New Jersey, do hereby certify that the attached, presently in full force and effect, is a true and correct copy of General Corporate Resolution #5, Patent Matters, as amended by Unanimous Written Consent of the Board of Directors of said Company on April 24, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and affixed the seal of the Company this 27th day of April 2007.



Senior Assistant Secretary

(SEAL)